G. R. S. 58]

Previous references.

Gen Pcl 101 of 1893-94
CS- 313-14-2

1915. 16
(Courts)

File No. 329-15

Serial Nos. nil

Later references.

Ch 17-11(1-2)
" 64-16 A(1+2
CB 162-91(N2)
Ch. 80-20(1-2)
Kgis. 31-21(1-2)
" 54-21(1-2)

Preserve
1814/21

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. nil

Part B for June. 16

SUBJECT.

Proposal of Mr H. W Raikes, Coffee Planter, to raffle his estates and other property &c.

W D 1851—GPB—20,000—13-12-15

11/6

G. R. S. 11] 1915. 16

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

File No. 329/6

FILE HEADING.

Proposal of Mr. H. W. Raikes, Coffee Planter, to raffle his estates and other property &c

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

W. D. 2725—GPB—2,000—5-5-16

REPLY.

To be written on this margin.)

Office of the Dewan of Mysore.

NOTE.

Dated 2nd June *1916* .

Rep to Dr McCann
Dewan's
18/6/16.

The accompanying papers relating to a proposal of Mr. H.W.Raikes, Coffee Planter, to raffle his estate and other property, are forwarded to the Secretary, General Department, for favour of a note as to whether it would be possible and desirable to allow Mr. Raikes to do as he wishes. Another note suggesting the proceedure necessary for securing the requisite permission, &c., may also be put up for being sent to Mr. Raikes if it be considered necessary.

2.6.16

The Secretary,

General Department.

Reply requested within three days.

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

(1) Irwin 1683-15

Mr Srinivasa Iyengar will kindly give me a note on the two points tomorrow.

Dewes

2/6

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—5-8-15

G.R.S. 13]

Routine Notes.

[To be used **only for notes, requisitions,** etc., **not intended for permanent** record.]

The question for consideration is whether the sale of Mrs Raikes's estate by raffling can be permitted. Raffle is a Sale of a property by taking entrance fee from any number of persons and assigning it by lot to one of them. It is a case of pure lottery, and is penalised by S. 294 A of the Indian Penal code on account of its widespread mischief. The reasons for penalising this kind of lottery are thus stated in a well known text book:-

"Law reprobates both gambling as well as lottery, because they both promote the circulation of money by chance. And such circulation is both unjust and unequal, because its course is solely

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GPB—50,000—5-8-15

G.R.S. 13]

Routine Notes.

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by chance. Law apprehends gambling and lottery because they encourage the squandering of wealth and thus lead to incalculable public misery. They are, moreover, opposed to honest labour and thrift upon which the happiness of society depends. Lotteries are mostly intended to inveigle people into forced purchases of worthless things or to part with their money with no return, and of course, much to the advantage of the lottery keeper. As such, lottery is a fraud upon the public."

Government can no doubt authorise certain lotteries, and when so authorised they are exempted under the Section. But Government authorises such lotteries only in exceptional cases if they are for an object of public

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GPB—50,000—5-8-15

J Mss 1683-15

G.R.S. 13]

Routine Notes.

[To be used **only for notes, requisitions, etc., not intended for permanent record.**]

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charity or benevolence, as for instance the maintenance and support of Hospitals & the like.

The present case does not come under this exceptional category and in such cases Govt have invariably refused to grant the applications.

Govt of India have also forbidden such lotteries and the Residency letter of 26.6.9 explains the attitude of the British Govt in regard to such lotteries ~~cases~~ in Native States.

There is principle and precedent, the requests is one that cannot be granted.

cfs Files 249-13
35-14
306-13
313-14

M

GS
3/6/16

I agree with the view expressed above.

Dewan 2/6

I shall be glad if the Secretary will kindly obtain the opinion of the Secretary of Council 5.6.16

Dewan
6504
5.6.1916

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GPB—50,000—5-8-15

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

903
6-6-16

Record Member & First Member

Dues 6/6 Ex 8/6

I agree with the Secretaries. It is against public policy to permit raffling or the form of lottery; and the facts of Mr Railes' case disclose no circumstances which render an exception desirable or expedient.

9/6/16

Dues 13/6

218
10.6.16

I agree with the 2nd Member. I still read a very broad precedent would which all lottery rights may circulate.

12/6

Dues 13/6

Ex standing Member

I also agree.

13.6.16

C.S
Draft reply to D McGann Dues 14/6

A draft reply is submitted.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

Next 15.6.

GPB—50,000—5-8-15

8

Confs file No 329-15

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

6651
16.6.16

A draft reply in accordance with the opinion of the members of Council is put up,

Dewan
15/6

The draft reply, approved by the Dewan, has been issued. The draft is placed in a sealed cover on the file, as it was marked 'Private'.

18.6.16.

21/6/16

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

J. Mss. 1683-15

Contains the draft of the final repy sent dated Mysore 18th June 1916.

Issued.

General and Revenue Secretariat,

Mysore, 18th June 1916.

Private

My dear ~~Sir~~ Col McGann

With reference to the request of Mr. H.W. Raikes, Coffee Planter, for permission to raffle his estate and other property, I ~~am desired~~ write to state that, as a matter of public policy, applications for exemption from the operation of Section 294 of the Indian Penal Code are not entertained by Government unless there are special circumstances, such as ----- promoting any object of public charity or benevolence, to justify the same, and --- that Mr. Raikes' letters on the subject do not disclose any such grounds for ---- exceptional treatment.

x herewith returned.

With the Memorandum I forwarded for approval

Issued to Printed. 1576

Yours sincerely,

18.8.16

I have no doubt you will treat this Communication as private & personal.

Col: T.J. McGann,

Mysore.